

COLUMBIA COUNTY, OREGON

LOCATION:

In the Northwestern part of Oregon, on the Columbia River, with about 70 miles of river front.

AREA:

About 700 square miles. 422,552 acres.

TILLABLE LAND:

15,726 acres. This is land that is actually in cultivation and cleared, exclusive of town lots.

NON-TILLABLE LAND:

406,766 acres, which includes all timber where there is more than 100,000 feet on a quarter section, also all logged off land which is not suitable for and in no condition for cultivation.

TIMBER:

About seven and one half to eight billion feet.

ASSESSED VALUE OF TIMBER: \$11,467,180.

ASSESSED VALUE OF TILLABLE LAND: \$911,355.

TOTAL ASSESSED VALUATION OF ALL PROPERTY:

\$18,000,000.

MILES OF COUNTY ROADS:

500 miles, some of which is in first class condition, some in fair condition and some in very poor condition.

MILES OF RAILROADS:

About 125 miles which includes the main line of the S. P. & S. and the various logging roads.

POPULATION:

Census of 1910 gives 10,580 but a careful estimate this year gives it at least 15,000.

CLIMATE:

Temperate. During the summer the thermometer rarely reaches 100 in the shade and in the coldest weather of winter zero weather is almost unknown. During the winter months there is considerable rain, but not too much. Just enough to insure crops. Crop failures are unknown.

PRODUCTS:

Fruits of all kinds, especially apples, pears, plums and berries; Grain and grasses; garden truck of all kinds and dairying.

SHIPPING:

Ships from all parts of the world carry Columbia County products down the Columbia River and to the markets of the world. A through line of Railroads traverse the county from the North to the South. River boats carry local products to local markets at low rates.

LAND:

Thousands of acres of first class land can be purchased at reasonable prices upon which are stumps left from the timber operations. This land is especially suited for farming, fruit raising and dairying.



ST. HELENS

A city on the Columbia River, 28 miles from Portland, with a population of 2500 people. The County Seat of Columbia County. A Four year Standard High School. Methodist, Congregational, Episcopal and Catholic Churches. All the leading fraternal orders. Gravity water system owned by the city sufficient to supply a city of 10,000 people. Electric lights, graded and macadamized streets, sewers. Principal industries are lumbering, shipbuilding, creosoting, stone quarrying, fishing and shipping. Two large saw mills with a capacity of 250,000 feet per day; more than 5 million feet of lumber shipped each month; several large ocean going vessels built each year; timber treated with creosote and shipped all along the coast. Two big stone quarries and rock crushing plants in continuous operation. An average of 300 tons of Columbia River Salmon caught and marketed. A farming country back of it that cannot be excelled in the world. Several new business blocks now under construction. Five miles of sewer being built. A PAY ROLL OF NEARLY \$100,000 PER MONTH. Many beautiful and attractive homes.

INDUSTRIES:

Lumbering and timber is the principal industry; there being about twenty-five saw mills. Salmon fishing in the Columbia River is also an important industry. Farming and fruit raising; Stone quarrying; Ship building and all kinds of lumber manufacturing plants.

OPPORTUNITIES:

There are fine opportunities for the small farmer, dairyman, fruit grower and truck gardener. Also a number of choice deep water sites for manufacturing plants.

THE DELTA GARDENS:

12,000 acres of low lands along the Columbia River which have recently been dyked and are now in high state of cultivation especially adapted to growing of vegetables and small fruits.

SCHOOLS:

Four standard High Schools; Grade schools in each locality.

CHURCHES:

Nearly all denominations represented.

THE COUNTY OFFICERS.

Circuit Judges, J. U. Campbell and J. A. Eakin
District Attorney, W. B. Dillard
County Judge, W. A. Harris
County Clerk, H. E. LaBare
Sheriff, A. E. Thompson
Assessor, C. W. Blakesley
School Superintendent, J. B. Wilkerson
Treasurer, R. S. Hattan
Coroner, F. H. Sherwood
Surveyor, Geo. Conyers
Commissioners, John Farr, Louis Fluhrer.

CITIES, TOWN, AND POST OFFICES:

St. Helens	Rainier	Clatskanie	Houlton
Scappoose	Warren	Deer Island	Goble
Yankton	Vernonia	Mist	Quincy
Mayger	Marshland	Columbia City	Reuben
Apiary	Hudson	Prescott	Trenholm
Inglis			

CITY OFFICERS OF ST. HELENS

MAYOR—A. W. Mueller
COUNCILMEN—N. O. Larabee, Chas. Graham, M. Saxor, H. Morgus
CITY ATTORNEY—J. W. Day
RECORDER—E. E. Quick
MARSHALS—J. L. Chittum, L. L. Decker
TREASURER—H. P. Watkins
WATER COMMISSION—L. E. Allen, J. W. Aiken, Robert Dixon, E. A. Crouse, John Pringle
WATER SUPERINTENDENT—Chas. Lope
FIRE CHIEF—L. E. Allen

Supreme Court Gives Decision

IN THE SUPREME COURT OF THE STATE OF OREGON.

Department No. 1
W. A. Harris, Appellant.
vs
City of St. Helens, Respondent.
Appeal from Columbia County.
Hon. James A. Eakin, Judge.
Argued and Submitted July 9, 1914
G. W. Stapleton, W. A. Harris (Stapleton & Sleight, on brief), for Appellant.
W. B. Dillard, (Dillard & Day, on brief), for Respondent.
Ramsey J. Reversed.
Filed September 8, 1914.
J. C. MORELAND,
Clerk of Supreme Court.

This is a suit in equity in the nature of a cross-bill to obtain a decree that the plaintiff is the owner of certain real property and to enjoin an action at law referred to in the complaint, etc. The Court below rendered a decree against the plaintiff and in favor of the defendant. The plaintiff appeals.

Reversed.
Ramsey J. The defendant herein, as plaintiff therein, commenced an action of ejectment to recover from the plaintiff herein as defendant in said action, a small tract of land at and in front of Cowlitz Street in the city of St. Helens, which is described in the complaint.

Upon the filing of the complaint in said action, the plaintiff herein answered in said action and, also, filed his complaint in this suit in the nature of a cross-bill, asking for equitable relief.

The trial court made findings and entered a decree in favor of the defendant and against the plaintiff. The plaintiff appeals therefrom.

1. We have read and considered the evidence. The first and most important point in this case is as to the effect of the plat of the town of St. Helens, filed and recorded January 2, 1865. This plat seems to have been made some years prior to the date of its recording. It laid out a large piece of land into lots and blocks and streets. Several parcels were marked as squares. The streets are 80 feet wide and run north and south and east and west. The east boundary of the plat is the Columbia

River. Except in front of blocks 10 and 11, the lots appear to extend to the river. East of blocks 10 and 11, and lying between said blocks and the Columbia River, is a narrow strip of land, extending to the river, that is not laid out into lots or blocks. It appears to be a little longer north and south than said two blocks and about half the width of one of them. Cowlitz and St. Helens streets run east and west, and the east ends of said streets extend to, but not across, said tract. Said tract has the following words written upon it:—"The Strand, Reserved for Wharves."

Said plat contains no other words to indicate what was to be done with said tract. The map shows that the words "Reserved for Wharves" are written on the margin of the river as represented upon the plat. Said plat was not signed or subscribed by anyone, nor was it accompanied by any deed or paper executed by anyone purporting to dedicate the streets, alleys or public squares or any land referred to in said plat. The plat alone was recorded. Afterwards lots were sold by the persons who laid out said town, and they were described in the deeds with reference to said plat and as therein described.

The city of St. Helens was not incorporated until several years after said plat was recorded.

The tract in dispute is plainly marked on said plat as "The Strand" as stated supra.

The city of St. Helens has never used any part of said tract for wharfing purposes. Private persons have, from time to time, used portions of said lands for wharves.

The plaintiff purchased the part of said tract in dispute, on May 5, 1903 of Hanna Tyszkiewicz, who appeared to be the owner thereof, and paid her a valuable consideration therefor and received from her a proper deed of conveyance. This deed conveyed to the plaintiff the title to said property, unless the persons who laid out said town and had said plat recorded, as stated supra, by said act, dedicated said tract designated as "The Strand" to the public for wharves.

The evidence shows that nearly all of said tract is claimed by private individuals and that they have possession thereof, and that there are from fifteen to twenty buildings thereon belonging to private persons. These buildings seem to have been placed on said tract without objection from the defendant, except that

the city objected to the plaintiff's construction of an addition to his building thereon. The plaintiff has paid taxes on said property ever since he purchased it as stated supra. The plaintiff contends that the facts are of such a nature that they estop the defendant to claim said property, but we do not find it necessary to pass on the question of estoppel.

The defendant has no title to said premises, unless it obtained it by dedication.

Dedication is an appropriation of land to a public use, made by the owner, and accepted for such use by or on behalf of the public. A dedication may be express, as when the intention to dedicate is expressly manifested by a deed or an explicit oral or written declaration of the owner, or some other explicit manifestation of his purpose to devote the land to public use. An implied dedication may be shown by some act or course of conduct on the part of the owner from which a reasonable inference of his intent may be drawn, or which is inconsistent with any other theory than that he intended a dedication. (Black's Law Dictionary, 2d. ed. pp. 340, 341).

Except in cases where a municipality may not have the charter powers to accept a dedication, an acceptance by a municipality by its duly authorized officers may be express by deed or by some matter of record, or unless prohibited by statute or ordinance, the acceptance may be implied from some act or acts showing that the municipality has assumed control and possession of the property dedicated, or the like acts.

It is clear, that to constitute a dedication, the owner must intend to devote his property to a public use, and this intention must be clearly and unequivocally manifested by his acts.

In this case, is it shown that the owner of the land in question intended to devote it to a public use? He designated the land as "The Strand", and added, "Reserved for Wharves."

The word Strand signifies "shore" or "bank" of the sea or a river.

A "Wharf" is a bank or other erection formed on the shore of a harbor river or canal for the convenience of lading or unlading ships or boats.

As shown by the plat referred to supra the owner "reserved" the strand or shore of the river for wharves.

The terms of a writing are presumed prima facie to have been used in their "primary and general acceptance".

The Century Dictionary defines "reserved" thus: "Kept for another or future use; retained; kept back." This is the "primary and general acceptance" of that word. The phrase "Reserved for Wharves," written in that part of said plat, marked "Strand," signifies that the owner retained or kept back the tract represented by that space for wharves. Wharves may be private property; and, hence, the words "Reserved for wharves" do not manifest an intention on the part of the owner to part with the title to the Strand or to devote it to a public use. He may have intended to retain it until it should be needed for wharves, and then sell it to persons desiring to engage in the business of operating wharves. There is nothing in the words used to indicate that he intended to devote said property to the public use as a place for wharves. The use of the word "reserved" tends to negative such an intention.

Calling the tract in dispute the Strand is no evidence that the proprietor intended to donate or dedicate it to the public, and adding the words "Reserved for Wharves" affords no evidence of such an intention.

The rule is that to constitute a valid dedication, there must be an intention on the part of the owner to devote his property to a public use, and this intention must be clearly and unequivocally manifested. In this case, we hold from the evidence that the persons who laid out the town of St. Helens, as stated supra, did not dedicate the tract of land designated on the said plat of said town as "The Strand, Reserved for Wharves," to the public, and that the defendant, the city of St. Helens, acquired no interest therein, and that the defendant has no right or title to any portion of the said Strand that is claimed by the plaintiff in the complaint. There is no evidence to show a dedication or an intention to dedicate the property to a public use.

We find that the plaintiff is the owner in fee of all of the real property by him claimed in his complaint and that the defendant has no right or title to said real premises or to any part thereof, and that the plaintiff is entitled to the relief prayed for in his complaint.

The decree of the court below is reversed, and this cause is remanded

to the court below with instructions to enter a decree in favor of the plaintiff in accordance with his complaint and the terms of this opinion. McBride C. J., Eakin and Burnett, JJ., concur.

SCAPPOOSE

School begins here Monday the 14. Mrs. Lucy Divens visited with her mother here Saturday.

Mr. and Mrs. W. Clark of Deer Island motored to Scappoose Sunday and visited at the restaurant.

Big dance at the A. W. hall Saturday night.

May Novack is teaching school at Pittsburg. Her school began last Monday.

Mrs. I. G. Wickstrom and daughter Inez were Portland visitors on Tuesday.

Dr. Flynn was called here last week from Portland.

Rev. Myers and wife returned from California last week.

Miss Hazel Watts returned to the Wealey school again, Wednesday.

Mrs. Copeland and Mrs. Sholtz were Portland visitors Tuesday.

The Redmen have rented the A. W. hall for a year. Lodges will all meet there, as there is every thing convenient and good lights and a clean hall.

D. W. Price and family went to Vancouver Thursday to attend the fair.

The Columbia County Fair will soon be here so all want to be prepared to take something as the vegetable line will be short owing to the dry season.

Rena Stock is visiting her mother at Kalama this week.

Herman and Norman Miller spent Saturday in Portland.

Mrs. Joe Adams is working for Mrs. Iabister at the Orcadia Hotel in St. Helens.

Temperance meeting Tuesday night with a house full.

T. Clonginger has moved to Portland.

Mrs. I. B. Malloy has rented the ice cream parlor and will run it from now on.

Guy Whitney is clerking in the pool room.

Mr. M. J. Butler has the rheumatism this week.

Mrs. Butler's mother from Portland is visiting them this week.

The town was painted red Tuesday night with red paint, Oregon Dry.

Chas. Smith made a business trip

to Portland Tuesday.

Rachel Lewis has returned to Portland again after visiting her mother for the past week.

Lee Hetrick's smiling face was seen on our streets Sunday.

While Mr. T. Clonginger was moving to Portland Wednesday he was on the truck and another truck ran into them throwing Mr. Clonginger out cutting his head and hurting his arm and shoulder. He is in the hospital and they report he will be alright in a week or so.

Henry Bumgardner from Warren visited his sister Mrs. Smith on Wednesday.

The Columbia County Fair convenes September 23, 24, 25, at St. Helens and all school children and every teacher in the County are earnestly asked to work for the interest of the school exhibit. Call on the Sec. Mr. T. Brown of Yankton for a Premium List and get busy. The premium list is liberal, impartial and broad enough for all. Let us have the best school exhibit in the state. Be a doer, not a dreamer. Bring the best exhibit you can but bring one. Fairs can not exhibit without exhibits.

NOTICE TO CREDITORS

IN THE COUNTY COURT OF THE STATE OF OREGON FOR COLUMBIA COUNTY

In the Matter of the Estate of John Ulmen, Deceased:

Notice is hereby given that the undersigned, Frederick P. Rondeau, has been duly appointed by the County Court of Columbia County, Oregon, Administrator of the Estate of John Ulmen, deceased, and that letters testamentary have been duly issued to me by the said court.

All persons having claims against the said Estate are hereby notified to present them under oath, with proper vouchers attached, within six (6) months from date of this publication, at my office 315-316 Platt Bldg., Portland, Oregon.

Date of first publication Sept. 4, 1914

Date of last publication Oct. 2, 1914

Frederick P. Rondeau, Administrator of the Estate of John Ulmen, deceased.

Frederick P. Rondeau, Administrator and Attorney.

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